

REMARKS

Claims 1, 6, 9, 52-59, and 65 are pending in the application. Claim 1 is currently amended to better define the claimed subject matter. Claims 6, 9, and 52-59 are amended to conform with the amendments to claim 1. Claim 65 is newly added. Support for the amendments and the new claim may be found throughout the originally filed application, e.g., at Page 6, lines 18-31 of the Specification. No new matter is added.

Summary of Telephonic Interview

Applicants' representative Vasanth Sarathy thanks Examiner Safavi for the courtesies extended during the telephonic interview on December 14, 2010. During the interview, Applicants' representative gave Examiner Safavi an overview of the background, the technical problem being solved, and the claimed solution. Applicants' representative explained that disposing a pivoting member on an adjustable bed mattress prevents the mattress' tendency to lift off the frame when pivoted into an inclined position. Applicants' representative submitted that the Husler, Schutz, and Rude references fail to disclose a "pivoting member" or a "mattress ... configured to pivot about an axis", as recited in Applicants' claim 1. No agreement was reached.

Amended claim 1 and new claim 65 are patentable over Husler, Schutz, and Rude

Amended independent claim 1 is directed to an adjustable bed assembly. The assembly includes an adjustable bed frame having an attachment bar, a mattress disposed on the adjustable bed frame, and a pivoting member attached to the mattress. The adjustable bed frame is configured to pivot about the attachment bar. The mattress is configured to pivot about an axis. The pivoting member is attached to an exterior portion of the mattress. The pivoting member is configured as a tubular sleeve, extending outwardly from a major surface of the mattress and having a first opening and a second opening, both openings being normal to the axis. The pivoting member receives the attachment bar along the axis normal to the first and second openings for attachment to the adjustable bed frame. New claim 65 is directed to similar subject matter.

Husler, Schutz, and Rude fail to disclose an adjustable bed assembly as recited in claims 1 and 65. In particular, the cited references fail to disclose an adjustable bed frame having an

attachment bar, and a pivoting member that receives the attachment bar along the axis through the first and second openings of the pivoting member for attachment to the adjustable bed frame. Warner and Sklar were cited by the Action as allegedly showing other limitations of claim 1, and do not cure the deficiencies of Husler, Schutz, or Rude with regards to the rejections. As for dependent claims 6, 9, and 52-59, because the obviousness of claim 1 has not been established, they should be patentable. New claim 65 should be patentable for similar reasons. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections of claims 1, 6, 9, and 52-59.

Conclusion

In view of the above remarks, Applicants believe the pending application is in condition for allowance.

We believe that we have appropriately provided for fees due in connection with this submission. However, if there are any other fees due in connection with the filing of this Response, please charge our Deposit Account No. 18-1945, under Order No. SMCY-P01-081 from which the undersigned is authorized to draw.

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Respectfully submitted,

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